REMARKS

Claims 26-33, 35-42, 44-50 and 52 are pending in this application. Claims 26-33, 35-42, 44-50 and 52 have been rejected. In this response, claims 26, 32, 33, 35, 42, 44, and 52 have been amended. Claims 48-49 have been cancelled. Claims 53-55 have been newly added. No new matter has been added.

The newly incorporated subject matter in the amended independent claims is described in detail in lines 15-16 on Page 8 of the original specification. Reconsideration and withdrawal of the rejections set forth in the Office Action dated June 20, 2008, are respectfully requested in view of the remarks below.

Interview Summary Statement

A telephonic interview was conducted between Examiner Quang N. Nguyen, and applicant's representative, Yenyun Fu. The undersigned representative wishes to thank Examiner Nguyen for the telephonic interview conducted on August 11, 2008. During the interview, the proposed amendments to the independent claims and References Ksiazek (U.S. Pat. No. 6,597,765) and Albal, et al. (U.S. Pub. No. 2003/047518) were discussed.

Examiner Nguyen indicated that an updated search will be performed in light of the amendments and that the Examiner will be in further contact with the undersigned if additional art is identified.

Applicant herein submits the amendments based on the discussion with the Examiner. No particular agreement was reached during this interview.

Claim Objections

The Examiner objected to claim 52 because of informalities. Claim 52 has been amended accordingly. Withdrawal of the objection is thus respectfully requested.

5 U.S.C. § 103 Rejections
Claims 26-33, 35-42, 44-50 and 52

The Examiner has rejected claims 26-33, 35-42, 44-50 and 52 under 35 U.S.C. §103(a) as being allegedly unpatentable over Ksiazek (U.S. 6,597,765) in view of Albal, et al. (U.S. 2003/0147518). Applicant respectfully disagrees. Claims 48-49 have been cancelled.

I. The cited references do not disclose all the subject matter in the independent claims 26, 35, 44 and 52

Applicant respectfully submits that when viewed as a whole, the cited references do not show the subject matter recited in the pending claims.

> "To establish *prima facie* obviousness of a claimed invention, all
> the claim limitations must be taught or suggested by the prior art.
> *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)."

Applicant respectfully submits that the combination of Ksiazek and Albal do not render obvious applicants independent claims since when viewed individually or as a whole, Ksiazek and Albal do not disclose each and every element of independent claims 26, 35, 44, and 52, as explained below.

Neither Ksiazek nor Albal discloses, per claim 26, through interacting with the caller via the voice portal, "automatically detecting caller behavior indicative of a situation where caller experience would improve upon an adjustment to the second voice character" and "adjusting the second voice character in response to detecting such caller behavior".

Reference 'Ksiazek'

1. Ksiazek does not disclose automatically detecting caller behavior indicative of a situation where caller experience would improve upon an adjustment to the second voice character;

2. Ksiazek does not disclose adjusting the second voice character in response to detecting such caller behavior;

Ksiazek discusses a system and method for multiple language access in a telephone network (Ksiazek, Title). The system of Ksiazek includes a programmed operator services position system for assigning a language to the telephonic call (Ksiazek, Abstract).

Applicant respectfully submits that Ksiazek also does not teach or suggest the above-emphasized limitations which have been newly added to independent claims 26, 35, 44, and 52. In particular, applicant submits that the Ksiazek does not suggest, teach, and/or motivate "automatically detecting caller behavior indicative of a situation where caller experience would improve upon an adjustment to the second voice character", as claimed in claim 26. Since Ksiazek does not disclose automatically detecting such caller behavior, there is no logical manner in which Ksiazek can teach how to "adjust the second voice character in response to detecting such caller behavior", as claimed in claim 26.

For example, in Ksiazek:

> *"Once an initial telephonic call is received at the telephonic network switch 14 the OSPS 26 of the computer controlled switch assigns a language to the telephone call. Preferably, the assigned language is an associated attribute for the telephone call ... "(Column 3, lines 20-25)*

Thus, the system of Ksiazek is limited to assigning a language to a telephone call. Ksiazek, however, is not concerned with "automatically detecting caller behavior indicative of a situation where caller experience would improve upon an adjustment to the second voice

character" and "adjusting the second voice character in response to detecting such caller behavior", as claimed in claim 26.

Furthermore, Ksiazek neither discloses "identifying a second voice character" nor "changing to the second voice character". The Examiner acknowledges this.

The Examiner states that "Ksiazek does not explicitly teach detecting a speaking voice associated with the caller through the voice portal interaction with the caller; identifying a second voice character based on the detected speaking voice associated with the caller; and changing from the first voice character to the second voice character when further audibly interacting with the caller" (Page 4 of Office Action mailed June 20, 2008).

Albal does not cure the deficiency.

Reference 'Albal'

1. Albal does not disclose automatically detecting caller behavior indicative of a situation where caller experience would improve upon an adjustment to the second voice character;

2. Albal does not disclose adjusting the second voice character in response to detecting such caller behavior;

Albal discusses a system and method of identifying a caller. In Albal, a subscriber number is inputted into a first communication device to place a call to a subscriber of the communication system and the call is routed through a transport system to a communication node (Albal, Abstract). The communication node of Albal answers the incoming call from the carrier network and retrieves appropriate announcement from a database, server, or browser (Albal, [0046]).

Albal does not disclose or suggest the features/functionality that (as discussed above) that are missing from Ksiazek. In particular, applicant submits that the Albal does not suggest, teach,

and/or motivate "automatically detecting caller behavior indicative of a situation where caller experience would improve upon an adjustment to the second voice character", as claimed in claim 26. Since Albal does not disclose automatically detecting such caller behavior, there is no logical manner in which Albal can teach how to "adjust the second voice character in response to detecting such caller behavior", as claimed in claim 26.

For example, in Albal:

> *"The node 212 can provide various dialog voice personalities (i.e., a female voice, a male voice, etc.) and can implement various grammars (i.e., vocabulary) to detect and respond to the audio inputs from the user. In addition, the communication node can automatically select various speech recognition models (i.e., an English model, a Spanish model, an English accent model, etc.) based upon a user profile, the user's communication device, and/or the user's speech patterns." (Par. [0047] of Page 5)*

Thus, the teachings of Albal are limited to implementing grammars to detect a user's audio inputs. Albal, however, is not concerned with "automatically detecting caller behavior indicative of a situation where caller experience would improve upon an adjustment to the second voice character" and "adjusting the second voice character in response to detecting such caller behavior", as claimed in claim 26.

Thus, applicant submits that the independent claim 26 is patentable over Ksiazek, Albal, and the alleged combination of Ksiazek and Albal. Based on similar reasoning and arguments, applicant further submits that independent claims 35, 44, and 52 are also patentable over Ksiazek, Albal, and the alleged combination of Ksiazek and Albal.

Thus, at least for the above stated reasons, the withdrawal of the rejections for the independent claims 26, 35, 44, and 52 are respectfully requested.

Dependent Claims

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, applicant's silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim. Therefore, the remaining dependent claims are also patentable over the cited references. The withdrawal of the rejections under 35 U.S.C. §103(a) is respectfully requested for claims 27-33, 35-42, 45-47 and 50.

CONCLUSION

In light of the amendments and the preceding arguments, the applicant respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance.

If the Examiner believes that a conference would be of value in expediting the prosecution of this application, he is cordially invited to telephone the undersigned counsel at (650) 838-4306 to arrange for such a conference.

The Commissioner is authorized to charge any fees that may be due as a result of filing this amendment, including additional claims fees not already paid for, fees for Extension of Time, or other fees that have not been separately paid, to Deposit Account 50-2207 (Attorney Docket 418268640US8). .

Dated:

9/12/08

Respectfully submitted,

By

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